

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKARMANDO OSCAR GALIANO
VILLANUEVA,

Plaintiff,

- against -

SUPERIOR CAFE CORP.,

Defendant.

X

17 Civ. 5039 (RWL)

ORDER

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| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: _____ |
| DATE FILED: 7-16-18 |

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This case is an action for money damages under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA") and the New York Labor Law. Before the Court is the parties' joint request that the Court approve their Settlement Agreement, a fully executed copy of which was submitted on July 11, 2018. A federal court is obligated to determine whether settlement of an FLSA case under the court's consideration is fair and reasonable and the subject of an arms-length negotiation, not an employer's overreaching. See *Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015).

The Court has carefully reviewed the Settlement Agreement as well as the parties' letter. The Court has taken into account, without limitation, all prior proceedings in this action; the attendant risks, burdens, and costs associated with continuing the action; the range of possible recovery; whether the Settlement Agreement is the product of arm's length bargaining between experienced counsel or parties; and the possibility of fraud or collusion. Among other attributes of the Settlement Agreement, there are no confidentiality or non-disparagement restrictions; the release is narrowly tailored to wage

and hour claims; and the attorneys' fees are within a fair and acceptable range. Considering all the circumstances, the Court finds that the Settlement Agreement is fair and reasonable and hereby is approved. The Court retains jurisdiction for purposes of enforcing the Settlement Agreement.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: July 16, 2018
New York, New York

Copies transmitted to all counsel of record.